

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

JAMES BELLAMY,

Plaintiff,

-against-

JOHN BENDHEIM; DOCTOR MARIO  
MALVAROSA; DOWNSTATE  
CORRECTIONAL FACILITY,

Defendants.

21-CV-1979 (CM)

ORDER OF DISMISSAL

COLLEEN McMAHON, United States District Judge:

Plaintiff filed an action in the United States District Court for the Western District of New York, *Bellamy v. Annucci*, No. 20-CV-6568 (W.D.N.Y.). By order dated March 3, 2021, that court severed the claims arising at Downstate Correctional Facility and transferred them to this district, where the action has been opened under this docket number, 21-CV-1979 (CM).

On March 10, 2021, the Court directed Plaintiff, within thirty days, to submit a completed request to proceed *in forma pauperis* (“IFP application”) and prisoner authorization for the new action opened under this docket number, or pay the \$402.00 in fees required to file a civil action in this Court. That order specified that failure to comply would result in dismissal of the complaint. Plaintiff has not filed an IFP application and prisoner authorization or paid the fee. Accordingly, the complaint is dismissed without prejudice. *See* 28 U.S.C. §§ 1914, 1915.

The Clerk of Court is directed to mail a copy of this order to Plaintiff and note service on the docket. The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order

would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal.

*Cf. Coppedge v. United States*, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

SO ORDERED.

Dated: April 14, 2021  
New York, New York

A handwritten signature in black ink, appearing to read "Colleen McMahon", is positioned above a horizontal line.

COLLEEN McMAHON  
United States District Judge